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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DESHAUN CRAWFORD,

14 Defendant.

NO. CR-02-0199-RHW

**ORDER DENYING
DEFENDANT'S MOTION TO
REDUCE SENTENCE**

15 Defendant moves for a reduction of his sentence pursuant to 18 U.S.C. §
16 3582(c)(2). On December 6, 2002, Defendant pleaded guilty to distribution of more
17 than five grams of crack cocaine. That morning, the Government filed an Amended
18 Information that alleged that Defendant had a prior drug felony conviction. Due to the
19 amount of the cocaine and the prior conviction, the Court was required to sentence
20 Defendant to the mandatory minimum sentence. 21 U.S.C. § 841(b)(1)(B)(iii) (2003).
21 Defendant stipulated both to the prior conviction and amount, and acknowledged the
22 "effect of this puts him into a mandatory term." ECF No. 50, at 4-5 (transcript). The
23 Court imposed a 120-month sentence on March 25, 2003.

24 In November 2007, the U.S. Sentencing Commission issued Amendment 706,
25 which lowered the guideline ranges applicable to crack cocaine offenses. Amendment
26 706 was made retroactive a few months later. U.S.S.G. § 1B1.10(c). The Ninth Circuit
27 consistently holds, however, that "a defendant sentenced pursuant to a mandatory
28 minimum is ineligible for relief under § 3582(c)(2) even if the guideline range

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SENTENCE * 1**

1 otherwise applicable is reduced." United States v. Jackson, 577 F.3d 1032, 1034 (9th
2 Cir. 2009) (upholding denial of motion to reduce sentence made by defendant
3 convicted of crack cocaine distribution). Because the Court was shackled by the
4 mandatory minimum at the time it sentenced Defendant, it regrets that it must deny
5 his motion.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Defendant's Motion for Reduction of Sentence (ECF No. 58) is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
9 Order and to provide copies to counsel and Defendant.

10 **DATED** this 13th day of September, 2011.

11
12
13 s/Robert H. Whaley
14 ROBERT H. WHALEY
United States District Judge

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**ORDER DENYING DEFENDANT'S MOTION FOR REDUCTION OF
SENTENCE * 2**